

MINUTES OF THE MEETING OF THE BAR-BENCH-MEDIA CONFERENCE

A meeting of the Bar-Bench-Media Conference was held on Tuesday, September 19, 2006 at 12:30 p.m. in Supreme Court Conference Room. The members of the Conference in attendance were:

Members of the Electronic News Media:

Peg Brickley
John Dearing (by telephone)
Mark Eichmann

Members of the Print News Media:

Elizabeth Bennett
Randall Chase
Rita Farrell
John Sweeney

Members from the Bench:

Judge Peggy L. Ableman
Judge Joseph F. Flickinger, III

Members from the Bar:

Donald C. Brown, Esquire
F. Michael Parkowski, Esquire (by telephone)

Sean O'Sullivan of the News Journal, Phil Milford and Steven Church of Bloomberg and Steve Taylor of the Supreme Court were also in attendance.

The first agenda item was the approval of the draft minutes from the May 3, 2006 meeting of the Conference. Upon motion, which was duly seconded, the minutes were unanimously approved as submitted.

It was noted for the record that Chief Judge Kuhn was the new chair of the

Conference, but she was unable to attend the meeting because of last minute rescheduling of the meeting date. In her absence, Rita Farrell, the out going Conference Chair, chaired the meeting. Rita said that a Vice Chair from the Members of the Bar needed to be selected.

The first agenda item under old businesses was a report from the Access Subcommittee by Peg Brickley. The Subcommittee has not met since the last Conference meeting. Peg noted that Ed Pollard of the Court of Chancery had arranged for a public access terminal to be placed in the media room in the New Castle County Courthouse. It is easier now to get documents that reporters need. However, LexisNexis remains a problem because of expense. Peg said that LexisNexis should provide free public access passwords. The Conference briefly discussed the transition from LexisNexis to Tybera under the COTS project and whether access to the docket and documents would be more readily available. The Tybera e-filing system for Delaware continues to be under development.

Peg said that the cameras in the courtroom experiment continues to move forward with the News Journal covering proceedings in the Court of Chancery by both video and still photography. Advance notice to the Court when the media wants to cover a proceeding has worked well.

In light of the recent emails circulated among the Conference members, it was discussed that the Conference was open to the public under the Conference

Constitution. Members of the public have been permitted to speak to the Conference in the past; however, the Conference is not a forum for dissatisfied litigants to seek redress. The facts and the record show no party has ever used a Conference meeting as a forum for dissatisfied litigants to seek redress. People asking to speak to the Conference have been limited to 5 minutes and are informed that they are not to talk about specific court cases.

Randall Chase reported on the spring meeting that was organized by Pat Griffin, State Court Administrator, to have media representatives meet with the Court Administrators. The media expressed their concerns about needing better access to case documents. The media requested better access to the public access terminals in the Superior Court. Currently, the public access terminal is behind locked doors, and the media can often not find someone to let them through the doors. The media represented that the filing bins in the Prothonotary's Office in New Castle County were disorganized, and it was difficult to find documents especially new complaints or actions. The media requested that, at least, the new complaints or actions be placed in a separate filing bin from other documents. The Court Administrators gave the media a COTS update. It was decided that future meetings between the media and the court administrators would be helpful.

Following up on the Superior Court issued as the next agenda item, Judge Ableman said that she had spoken to the New Castle County Prothonotary about the

filing bins and access to the public terminal. The Prothonotary is now aware of the issues. However, nothing had changed as of the date of the meeting.

The next agenda item was the status of a meeting between the media and the Court of Common Pleas on any issues of concern. Judge Flickinger reported that he had not received any input from the Conference or the media as to any issues. The Conference requested that Judge Flickinger send out a communication to the Conference and the media asking for the identification of any issues concerning the media and the Court of Common Pleas. Judge Flickinger agreed to do this and would organize a meeting to address any identified issues.

The next agenda item was an update on the proposed Workshop on Reporters covering the Courthouse. The idea is to have a seminar for the media on how a case progresses through the court system from inception to conclusion. Don Brown reported that the Subcommittee felt the concept was sound and that a delivery date needed to be established. The Subcommittee welcomes Conference input. It was suggested that serious discussions about setting a seminar date be taken up after the November elections because the media would be concentrating their time between September and November on the elections.

The next two agenda items concerning public access passwords for LexisNexis access and the Third Circuit website were passed because of the unavailability of Justice Jacobs and Judge Ambro to attend the meeting because of scheduling conflicts.

It was noted that the Third Circuit was in the process of redesigning its website, and improvements were evident.

The video report on the Disney has not been completed by Kathy Jennings and Steve Taylor because of lack of time to devote to the report.

There is nothing to report on the Conference's request to the Supreme Court to expand electronic media coverage to civil jury trials in the Superior Court and to criminal and civil motion practice in the Superior Court.

Steve Taylor was asked to update the Conference's membership list.

David Ledford was unable to attend the meeting because of a scheduling conflict. As a result, there was no report on the Delaware Chapter of the FOIA Conference.

The next meeting of the Conference is scheduled for Monday, November 20, 2006 at 12:00 p.m. **in the 12th Floor Conference Room of the New Castle County Courthouse.** Lunch will be provided. An agenda and draft minutes will be transmitted prior to the meeting date.

The meeting adjourned at 1:45 p.m.

Respectfully Submitted,

November 16, 2006